

REMARKS

Applicant appreciates the allowance of the claims in the Notice of Allowability mailed in the captioned application on April 5, 2004. However, upon review of the Statement on Reasons for Allowance set out in the Notice of Allowability, it became apparent that claims that are even broader than the allowed claims are also allowable. This Third Preliminary Amendment therefore sets out amendments to allowed claims 1, 5, 9, and 19 to broaden those claims to more fully claim that which Applicant regards as the invention and corrects a typographical error in claim 26.

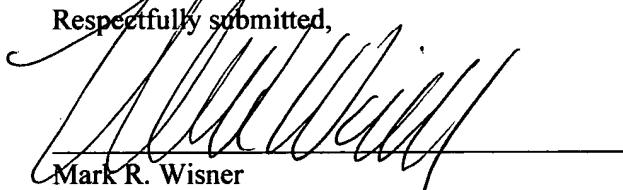
Also, while in the process of reviewing the application to insure that it was in condition of issuance, it was discovered that Box 18 of the form letter transmitting the application, requesting that the application not be published pursuant to 35 U.S.C. 122(b)(2), had been checked by the Attorney who filed the captioned application. Neither the Attorney who assumed responsibility for the captioned application from the Attorney who filed the application, nor the undersigned Attorney, was aware that a request had been made under §122(b)(2) that the captioned application not be published. Consequently, the undersigned Attorney was instructed to file a corresponding International Application without also being instructed to provide notice of the filing of the International Application within the forty-five (45) day period specified in 35 U.S.C. 122(b)(2)(B)(i). Because an International Application was filed (No. PCT/US03/03077, filed January 31, 2003), the captioned application should have been regarded as abandoned 45 days after the January 31, 2003 filing date of International Application PCT/US03/03077. Consequently, in addition to being filed to provide an opportunity for broadening the claims of the captioned application, the enclosed request for continued examination is being filed for the purpose of filing the enclosed Petition for Revival of an Application for Patent Abandoned for Failure to Notify the Office of a Foreign or International Filing.

Another reason for filing a request for continued examination in the captioned application is to supplement the Information Disclosure Statement filed by Applicant on March 12, 2004. To that end, also enclosed is a Supplemental Information Disclosure Statement citing the references listed in the International Search Report in the above-referenced International Application PCT/US03/03077 (the Partyka, *et al.* patent, No. 5,870,691, cited on the Form PTO-892 enclosed with the Notice of Allowability was also listed on the International Search Report, but is not listed in the enclosed Supplemental Information Disclosure Statement since it is already of record in the captioned application). A copy of the International Search Report in International Application PCT/US03/03077 is also enclosed for the convenience of the Office.

In response to the requirement for new drawings set out in paragraphs (1)-(2) of the Notice of Allowability, Applicant encloses a replacement drawing page on which Fig. 11 appears with the proposed change marked in red as set out in the Rules for the approval of the Examiner. 37 C.F.R. 1.121(d). The Form PTO-948 mailed with the Notice of Allowability dated December 12, 2003 objects only to Fig. 11 such that it is expected that the enclosed proposed correction to that page of the drawings should be fully responsive to the requirement for drawing corrections. However, Applicant notes that paragraph (1) of the Notice of Allowability (mailed April 5, 2004) refers to drawings that were received on 16 March 2003; in the event that they were not received, and for the sake of completing the file, a copy of the drawings filed by Applicant with a certificate of mailing dated June 18, 2003 (after the 16 March 2003 date noted in the April 5, 2004 Notice of Allowability) is enclosed. Reconsideration and withdrawal of the objection to the drawings in light of the enclosed proposed correction to Fig. 11 and the drawings submitted by Applicant on June 18, 2003, is respectfully.

Entry of the enclosed Supplemental Information Disclosure Statement, substitute drawing page, and the above amendments to the claims, consideration of the remarks set out herein, entry and grant of the enclosed Petition, early and favorable action on the claims, and passage of the application to issuance are all respectfully requested.

Respectfully submitted,



Mark R. Wisner
Registration No. 30,603
Wisner & Associates
1177 West Loop South, Suite 400
Houston, TX 77027
Telephone: (713) 785-0555
Facsimile: (713) 785-0561

Date: July 6, 2004

ATTORNEY FOR APPLICANT

O I P E J C T S
JUL 12 2004
PATENT & TRADEMARK OFFICE

FIG. 11

